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OCT 27 2004

OFFICE OF PETITIONS

Attorney Docket No.: 3660P011

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re utility Patent Application for:)

Eithan Y. Ephrati, et al.)

Application No.: 09/426,410)

Filed: October 25, 1999)

For: ELECTRONIC MULTILATERAL)
NEGOTIATION SYSTEM)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria VA 22313

Examiner: Laneau, Ronald

Art Group: 3627

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GROUP 3600

EXPRESS MAIL STATEMENT

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(Date Signed)

11/27/2004

DECLARATION OF LESTER J. VINCENT IN SUPPORT OF PETITION TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE
COMMUNICATION

Sir:

I, Lester J. Vincent, hereby declare and say as follows:

(1) I am an attorney and partner at the firm of Blakely, Sokoloff, Taylor & Zafman
LLP ("BSTZ") in Sunnyvale, California.

(2) The present application was filed on October 25, 1999 by an attorney at Ritter,
Van Pelt and Yi.

(3) A Power of Attorney by Assignee and Revocation of Previous Powers was filed
by an attorney of BSTZ on May 9, 2002.

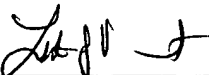
- (4) A Notice Regarding Power of Attorney identifying that the Power of Attorney was accepted for the above-referenced patent application was mailed by the PTO June 4, 2002.
- (5) An Office Action was mailed by the PTO on December 19, 2002.
- (6) An Amendment was filed March 19, 2003.
- (7) An Information Disclosure Statement was mailed May 13, 2003.
- (8) An Office Action was mailed by the PTO on April 15, 2003.
- (9) A Request for Continued Examination ("RCE") and a Preliminary Amendment was filed July 31, 2003.
- (10) An Office Communication was mailed July 25, 2003 alleging that an improper RCE has been filed.
- (11) An Office Action was mailed October 22, 2003.
- (12) An Amendment was filed January 22, 2004.
- (13) A Notice of Abandonment was mailed September 21, 2004. The Notice of Abandonment was received in the Los Angeles office of BSTZ on September 27, 2004.

- (14) I have searched the file jacket and the docket records of BSTZ and can find no indication of an Office Communication of February 4, 2004 being received by BSTZ (other than the photocopy made from the PTO prosecution history after receipt of the Notice of Abandonment).
- (15) A complete copy of the BSTZ docket records for the present application is attached.
- (16) The docket records show (1) deadlines for responding to the Office Action of October 22, 2003 and (2) target dates for reviving the application. The docket records do not show any receipt of an Office Communication of February 4, 2004.
- (17) On October 14, 2004, I asked our Virginia associate to retrieve a photocopy of the Office Communication of February 4, 2004 from the U.S. Patent and Trademark Office. On October 18, 2004, I obtained a photocopy of the Office Communication February 4, 2004 (that we did not receive in the mail) through our Virginia associate.
- (18) Enclosed is a Response to Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121, which is a response by applicants to the photocopy of the Office Communication dated February 4, 2004 retrieved from the PTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: October 27, 2004



Lester J. Vincent
Reg. No. 31,460

BSTZ LLP.
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300

Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
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Wednesday, March 19, 2003

3660.P011		426,410	<i>Response due</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Saturday, April 19, 2003

3660.P011		426,410	<i>Response due, 1st extension</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Sunday, June 15, 2003

3660.P011		426,410	<i>Two months since final oa was mailed</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Tuesday, July 8, 2003

3660.P011		426,410	<i>Reminder, review file for possible filing of continuation application if advisory action or notice of allowance not received by 7/15/2003</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Tuesday, July 15, 2003

3660.P011		426,410	<i>Response due final OA and possible appeal</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
3660.P011		426,410	<i>If advisory action or notice of allowance not received by today, review file for possible filing of continuation application.</i>

Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Friday, August 15, 2003

3660.P011	426,410	<i>Response due final OA and possible appeal, 1st extension</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Sunday, August 24, 2003

3660.P011	426,410	<i>Response due, notice of improper request for RCE; arbitrary date</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Sunday, October 19, 2003

3660.P011	426,410	<i>Next office action due; if not received, file request for status</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Thursday, January 15, 2004

3660.P011	426,410	<i>Next office action due; if not received, file request for status</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Docket

prepared 10/13/2004

Client.Matter	Country	Pat/Ser/Reg	Description
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Thursday, January 22, 2004

3660.P011		426,410	<i>Response due</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Sunday, February 22, 2004

3660.P011		426410	<i>Response due, 1st extension</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Monday, March 22, 2004

3660.P011		426410	<i>Response due, 2nd extension</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Thursday, April 22, 2004

3660.P011		426410	<i>Response due, 3rd and final extension</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Sunday, November 21, 2004

3660.P011		426410	<i>Reminder: Deadline to revive abandoned application is 12/21</i>
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Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY

Docket

prepared 10/13/2004

Client.Matter

Country

Pat/Ser/Reg

Description

Tuesday, December 21, 2004

3660.P011

426410

Deadline to revive abandoned application

Title ELECTRONIC MULTILATERAL NEGOTIATION SYSTEM - UTILITY